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REMARKS

Applicant respectfully requests reconsideration of this Patent Application, particularly in view of the above Amendment and the following remarks.

There is no additional fee for this Amendment because the total number of claims and the total number of independent claims remain unchanged.

Request for Telephone Interview

Applicant kindly requests the Examiner to contact the undersigned, to schedule a telephone interview to discuss the merits of this Patent Application.

Amendment to Claims

Claim 3 has been amended to form proper antecedent bases, to consistently name the elements, and to clarify the claimed invention.

The above Amendment to the Claims adds no new matter to this Patent Application. Furthermore, the above Amendment raises no new issue that would require any further search and/or consideration by the Examiner.

Claims Rejections - 35 U.S.C. § 102

Claim 1-4, 6, 9, 10 and 12-14 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Vitau, U.S. Patent 4,292,818. This rejection is respectfully traversed, particularly in view of the following remarks.

At Page 4 of the Office Action, the Examiner points out that the Vitau Patent teaches the prongs 22 having a bezel formed therein (22/23 in Fig. 3C). The

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Vitau Patent does not teach or even suggest forming a bezel within prongs 22. To the contrary, rods 23, such as shown in Fig. 3C, are attached to prongs 22 in order to secure gemstone S but there is bezel. The Vitau Patent teaches no groove within prong 22 that could be considered the equivalent of a bezel.

The Vitau Patent teaches only rods for retaining the gemstone in a fixed position. Applicant's claimed invention specifically requires each prong to have a bezel and the gemstone to be retained within the bezel. For this reason, Applicant believes that the Vitau Patent does not teach Applicant's claimed invention, particularly in the manner required under 35 U.S.C. § 102.

Applicant's independent Claim 9 requires each gemstone to be positioned in a seat, as well as both a pair of prongs positioned on each side of each gemstone and a shared prong positioned between each gemstone. The Vitau Patent does not teach or even suggest a gemstone positioned within a seat and/or each gemstone having both a pair of prongs, one on each side of each gemstone, and a shared prong positioned between each gemstone. For this reason, Applicant believes that the Vitau Patent does not teach the invention of Applicant's Claim 9, particularly in the manner required under 35 U.S.C. § 102(b).

Because of each Claims 3, 4, 6, 10 and 12-14 ultimately depend and further limit either independent Claim 1 or independent Claim 9, Applicant believes that the above remarks overcome the rejection of such claims.

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Claims Rejections - 35 U.S.C. § 103

Applicant believes that Page 7 of the Office Action contains a typographical error in the first line of paragraph 9. Applicant believes that Claims 15-24 have been rejected under 35 U.S.C. § 103, not under 35 U.S.C. § 102(b), in view of the Vitau Patent. For similar reasons as discussed above, the Vitau Patent does not teach both a pair of prongs positioned on opposite sides of each gemstone and a shard prong positioned between each gemstone. Thus, Applicant believes that Claims 15-24 are patentable over the Vitau Patent.

Claims 5, 7, 8 and 11 have been rejected under 35 U.S.C. § 103(a), as being unpatentable over the Vitau Patent. Because each of Claims 5, 7, 8 and 11 ultimately depends and further limits independent Claim 1, for the same reasons as discussed above, Applicant believes that Claims 5, 7, 8 and 11 are not taught by the Vitau Patent.

Claim Rejection - 35 U.S.C. § 112

Claim 3 has been rejected under 35 U.S.C. § 112, for the reasons set forth on Page 3 of the Office Action. Applicant has amended Claim 3 as suggested by the Examiner. Thus, Applicant believes that the above Amendment overcomes the rejection of Claim 3 under 35 U.S.C. § 112.

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Conclusion

The above Amendment is only for the purpose of responding to a suggestion by the Examiner. Because the Claims have not been amended in any other way, there should be not further search required by the Examiner.

Applicant believes that this Amendment After Final Rejection only responds to each objection and rejection raised by the Examiner. However, should the Examiner detect any remaining issue, Applicant kindly requests the Examiner to contact the undersigned, preferably by telephone, in an effort to expedite examination of this Patent Application.

Respectfully submitted,



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